

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

01/08/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR NO. 04-00247DAE
CASE NAME: United States of America Vs. Allen Harris
ATTYS FOR PLA: Tracy Hino and Agent John Bost from ATF
ATTYS FOR DEFT: Richard D. Gronna
INTERPRETER:

JUDGE: David Alan Ezra

REPORTER: ESR-LG

DATE: 01/08/2007

TIME: 1:40pm.m-2:12pm

COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Superseding Indictment and Government's and Defendant's Motion for Downward Departure-Defendant present in Custody.

The Court Adopts the presentence investigation report.

Government's Motion for Downward Departure and Defendant's Motion for Downward Departure-1:50p.m.-1:57p.m.-Oral Argument Held. Both Motions are hereby Granted in Part and Denied in Part.

Defendant addresses the Court.

Sentence as to Counts 1 and 2 of the Superseding Indictment-

Imprisonment-120 Months -60 Months as to Count 1 and 60 Months as to Count 2, with Count 2 to be served consecutively to Count 1.

Mittimus Forthwith.

Court Recommendations- 1. Prison Facility in Oakdale, Louisiana
2. Drug Treatment
3. Mental Health Treatment
4. Educational/Vocational Training

Supervised Release-5 Years as to each of Counts 1 and 2, with both terms to be served concurrently.

Special Conditions of Supervised Release-

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

No Fine.

Special Assessment-\$200.00.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss Ct III of the Superseding Indictment-is hereby Granted.

Submitted by Leslie L. Sai, Courtroom Manager